

**REMARKS**

**A. The Section 103 Rejections**

Claims 1-20 and 22-32 were rejected under 35 USC §103 as allegedly being unpatentable over U.S. Patent No. 5,812,953 to Griffith et al. (hereinafter, "Griffith") in view of U.S. Patent No. 7,266,371 to Amin et al. (hereinafter, "Amin"). Applicants respectfully disagree and traverse these rejections for at least the following reasons.

Of the rejected claims, claims 1 and 17 are independent. It is to these claims that the Applicants direct their remarks, it being understood that the remarks apply to the remaining dependent claims as well.

**(i) Amin is not available as a reference**

The Applicants note that Amin is not eligible as a prior art reference. As the Applicants pointed out in their previous responses, and reiterate herein, the subject matter of claims 1-20 and 22-32 was conceived by the inventors prior to the effective filing date of Amin, and the inventors exercised due diligence from such conception date up until a constructive reduction practice of the claimed inventions.

The Applicants hereby incorporate by reference herein and refer the Examiner to the Declarations of each of the joint inventors (attached) previously set forth in Applicants' previous Responses and supporting invention disclosure documentation (attached) attesting to the conception by the inventors prior to the effective filing date of Amin and due diligence from

such conception date up until a constructive reduction practice of the claimed inventions.

In addition, in further support of Applicants' conception and reduction to practice the Applicants hereby incorporate by reference herein and refer the Examiner to the Declaration of John E. Curtin, Esq., the attorney who drafted and filed the instant application (attached).

More specifically, the Declarations of the joint inventors and Mr. Curtin set forth a conception date of at least as early as January 3, 2000 and due diligence up to, and including, the filing date of the present application on June 15, 2000. In contrast, Amin's effective filing date appears to be February 22, 2000.

In the Office Action the Examiner does not address the substance of the inventors' Declarations nor the Declaration of Mr. Curtin except to say that the Declarations are insufficient because they are not accompanied by evidence such as "sketches; attached blueprints; attached photographs; attached reproduction of notebook entries; and accompanying model". Applicants disagree. The Federal Circuit has found due diligence without such evidence provided the attorney "worked reasonably hard on the particular application in question during the continuous critical period" and could provide "exact days when the activity specific to this application occurred", *Bey et al, v. Kollonitsch et al*, 806 F.2d 1024, 1027-1028 (Fed. Cir. 1986); see also *Monsanto Company v. Mycogen Plant Science*, 261 F.3d 1356 (Fed. Cir. 1356,1369 ("there need not

necessarily be evidence of activity on every single day if a satisfactory explanation is evidenced").

(ii) **The relied on combination does not disclose or suggest displaying settings of a separate wireless device within a web page accessed by a first wireless device**

In the Office Action the Examiner takes the position that Griffith discloses "displaying wireless device settings". However, claims 1 and 17 include the feature of displaying settings of *a separate wireless device* within the web page *accessed by a first wireless device*. This is not disclosed or suggested in Griffith and/or Amin, either separately or in combination.

For example, in Griffith a "cellular telephone 10" may be activated by using a wired "personal computer 80" to activate the cellular telephone 10. Thus, instead of displaying settings within a "first wireless device" the settings for cellular telephone 10 are displayed on the wired personal computer 10.

Turning to Amin, a "mobile communication device 202" is activated by displaying settings within the device's "display element 312". Thus, in Amin only a single wireless device appears to be involved. Said another way, Amin does not appear to disclose the display of settings of a separate wireless device.

For at least these reasons, the Applicants request withdrawal of the rejections and allowance of claims 1-20 and 22-32.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number listed below. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or

credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

**CAPITOL PATENT & TRADEMARK LAW FIRM, PLLC.**

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